

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. 2:03-cr-103-JAM-EFB P

Plaintiff,

V.

FINDINGS AND RECOMMENDATIONS

KAMALJIT SINGH KHERA,

Defendant.

16 Defendant was convicted of several narcotics violations in March 2005. On May 14,
17 2015, the court granted in part defendant's pro se motion for the return of property pursuant to
18 Federal Rule of Criminal Procedure 41(g). As to defendant's gun and magazines, however, the
19 court stayed the matter pending the United States Supreme Court's decision in *Henderson v.*
20 *United States*, 135 S. Ct. 402. ECF No. 417.

21 On April 8, 2015 and again on May 26, 2015, the postal service returned mail directed to
22 defendant as “undeliverable.” ECF Nos. 416, 418. A party appearing without counsel must keep
23 the court and all parties apprised of his current address. E.D. Local Rule 183(b). If mail directed
24 to such a party is returned by the postal service and the party fails to notify the court and opposing
25 parties within 63 days thereafter of his current address, the court may dismiss the action without
26 prejudice for failure to prosecute. *Id.*

27 More than 63 days have passed since the postal service returned the mail and defendant
28 has not notified the court of his current address.

1 Accordingly, it is hereby RECOMMENDED that defendant's Rule 41(g) motion be
2 terminated. *See* Fed. R. Civ. P. 41(b); Local Rules 110, 183(b).

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
8 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
9 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

10 DATED: August 3, 2015.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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